

To: United States District Court - Western District of Tennessee

From: Patrick Phillips (Shelby County Jail Inmate Number(s) 13128462/18120162)

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Date: January 10, 2020

Subject: Memorandum of legal arguments for 28 USCA § 2254

The following memorandum contains a list of case file numbers and Tennessee Annotated Codes that contain evidence to support/corroborate the facts documented in each ground. Although lengthy (Ground Two, particularly), the specifics documented are absolutely necessary with regard to clarifying the ground(s). I will be happy to submit any tangible evidence available to me, if necessary.

The Board of Professional Responsibility of the Supreme Court of Tennessee

Consumer Assistance Program Case File Numbers: File No. 40586c-9

File No. 42238c-9

File No. 58852c-9

File No. 59712c-9

The Tennessee Board of Judicial Conduct Case File Numbers: File No. B15-627

File No. B19-7678

T.C.A. 37-1-403 - If a law enforcement official or judge becomes aware of known or suspected child abuse, through personal knowledge, or receipt of report, or otherwise, such information shall be reported to the department immediately upon the receipt of such information, and, where appropriate, the child protective team shall be notified to investigate the report for the protection of the child in accordance with this part. Further criminal investigation by such official shall be appropriately conducted in coordination with the team or department to the maximum extent possible.

T.C.A. 37-1-605 - Each known or suspected case/report of child sexual abuse shall be made immediately to the local office responsible for the investigation of reports or to the judge having juvenile jurisdiction or to the office of the sheriff or the chief law enforcement official of the municipality where the child resides.

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T.C.A. 37-1-413 - Any person who either verbally or by written or printed communication knowingly and maliciously reports, or causes, encourages, aids, counsels, or procures another to report a false accusation of child sexual abuse or false accusation that a child has sustained any wound, injury, disability, or physical or mental condition caused by brutality, abuse, or neglect commits a **Class E Felony**.

T.C.A. 39-16-402 - A public servant commits an offense, who, with intent to gain a benefit or to harm another, intentionally or knowingly: 1.) commits an act relating to the servant's office or employment that constitutes an unauthorized exercise of official power; 2.) commits an act under color of office or employment that exceeds the servant's official power; 3.) refrains from performing a duty that is imposed by law or that is clearly inherent in the nature of the public servant's office or employment; 4.) violates a law relating to the public servant's office or employment; or 5.) receives any benefit not otherwise authorized by law. An offense under this subsection in which the conduct described in a subsection relating to part (5) is not the basis of the violation is a **Class E Felony**.

T.C.A. 39-16-403 - A public servant acting under color of office or employment commits an offense who: 1.) intentionally subjects another to mistreatment or to arrest, detention, stop, frisk, halt, search, seizure, dispossession, assessment or lien when the public servant knows the conduct is unlawful; or 2.) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity, when the public servant knows the conduct is unlawful. For purposes of this section, a public servant acts under color of office or employment if the public servant acts, or purports to act, in an official capacity or takes advantage of the actual or purported capacity. An offense under this section is a **Class E Felony**.

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T.C.A. 39-16-504 - It is unlawful for any person to: 1.) knowingly make a false entry in, or false alteration of a government record; 2.) make, present, or use any record, document or thing with knowledge of its falsity with intent that it will be taken as a genuine government record; or 3.) intentionally and unlawfully destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of a government record. A violation of this section is a Class A Misdemeanor.